



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Application of : Heckel, A. et al.) Art Unit: To be assigned
Serial-No. : 10/624,983) Examiner: To be assigned
Confirmation No. : **4832**
Filed : July 22, 2003
Docket No. : 1/1373
For : INDOLINONE DERIVATIVES SUBSTITUTED IN THE 6 POSITION,
THE PREPARATION THEREOF AND THEIR USE AS
PHARMACEUTICAL COMPOSITIONS

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SECOND PETITION REQUESTING WITHDRAWAL OF NOTICE OF
INCOMPLETE NONPROVISIONAL APPLICATION UNDER 37 CFR §1.181**

Sir:

Attorney for Applicants respectfully petitions under 37 CFR §1.181 that the Notice of Incomplete Nonprovisional Application dated February 8, 2005 be withdrawn and that a filing date of July 22, 2003 be granted for the above-identified application.

Statement of Facts

On July 22, 2003, Attorney for Applicants filed, *inter alia*, the following documents: (1) the above-identified nonprovisional application; (2) a Certified Copy of Priority Document DE 102 33 366.1; and (3) a Verified English Translation of U.S. Provisional Application No. 60/403,106 to which the above-identified application also claims priority. Included herewith is a copy of the Return Postcard which is date stamped by the USPTO listing the above items. Item 1, the above-identified nonprovisional application, was filed in the German language. The above-identified nonprovisional application, as originally filed with the USPTO, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and nineteen (19) claims contained on pages 286-344 of the specification under the section entitled "Patentansprüche", *i.e.*, "Patent claims". In the Notice of Incomplete Nonprovisional Application, the OIPE stated that the specification of the above-identified

application did not include at least one claim. Included herewith is a copy of the Notice of Incomplete Nonprovisional Application.

Discussion

Attorney for Applicants respectfully submits that the above-identified application, as originally filed in German, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and at least one claim pursuant to §1.75. No drawings were required by §1.81(a). Submitted herewith is a copy of the English translation of the above-identified application with a Declaration by the translator, Jane Roberta Mann, stating that the document is a true and accurate translation of the German text corresponding to U.S. Application Serial No. 10/624,983. The translated text contains nineteen (19) claims, as did the German text. Thus, this application met all filing requirements as of July 22, 2003.

Action Requested

Withdrawal of the Notice of Incomplete Nonprovisional Application and grant of a filing date of July 22, 2003 for the above-identified application is respectfully requested.

The surcharge set forth in 37 CFR 1.17(f) for Petitions to the Commissioner is \$400.00. The Commissioner is hereby authorized to charge any fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. A duplicate of this paper is enclosed.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to:

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on April 8, 2005



By: Susan K. Pocchiari
Reg. No. . 45,016